

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-286

BILLY G. BELCHER,

Defendant.

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**ORDER**

On May 25, 2007, this court sentenced Billy Belcher to 156 months in prison for violations of 21 U.S.C. § 841(b)(1)(A) and 846. The court determined Belcher's total offense level to be 34 together with a criminal history category of V; under this matrix, his guideline term of imprisonment was 168 to 210 months. His base offense level was calculated based upon 486.55 grams of cocaine base and 907.2 grams of marijuana.

On November 1, 2007, the United States Sentencing Commission amended the advisory federal sentencing guidelines for criminal offense involving crack cocaine. On December 11, 2007, the Sentencing Commission further decided that, effective March 3, 2008, these amended guidelines would apply retroactively to all offenders who were sentenced under the previous versions of the sentencing guidelines and who are presently incarcerated. The practical effect of these amendments is that pursuant to the provisions of 18 U.S.C. § 3582(c)(2), defendants previously convicted of offenses involving crack cocaine may be eligible for a reduction in their sentence.

On June 11, 2008, Belcher filed a pro se motion to reduce his sentence pursuant to § 3582(c)(2). Having considered Belcher's motion, together with an analysis from the United States Probation Office, the court concludes that his motion must be denied. As noted above, Belcher was responsible for 486.55 grams of cocaine base and 907.2 grams of marijuana and, under the amended guidelines, Belcher's offense level and sentencing guideline range remain the same. The court finds no factual or legal basis to reduce the 156 month sentence imposed on May 25, 2007.

**IT IS ORDERED** that Belcher's motions to reduce (Docket #41 and #46) be and the same are hereby **DENIED**;

**IT IS FURTHER ORDERED** that Belcher's motion to proceed in forma pauperis (Docket #39) be and the same is hereby **DENIED** as moot.

Dated at Milwaukee, Wisconsin, this 13th day of August, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge